

Remarks/Arguments

This Amendment has been prepared, and is now filed, in response to the Office Action dated September 15, 2008 regarding the above-identified U.S. Patent Application. In this action, the Examiner effectively rejected all currently pending claims in the application, claims numbers 1-15, inclusive, as being obvious in view of proposed combinations of four cited and applied prior art references, including U.S. Patents Nos. 5,647,056 to Barrett *et al.*, 6,522,420 to Chadez *et al.*, and 7,231,435 to Ohta (a newly cited and applied reference), and U.S. Patent Application Publication No. 2003/0204950 of Chou *et al.* With respect to certain ones of the claims, namely, those claims (3, 5, 6, 9, 11 and 14) which refer to a particular communication port, the Examiner further combined, with these four references in his rejections, alleged admission by applicant of certain prior art.

From this complex of cited and applied art, and as applicant will highlight shortly, the Examiner's rejections of applicant's claims really effectively centers on what the Examiner asserts the new Ohta reference supplies in relation to a clearly missing ingredient in his proposed combination of the other three patent and patent application references.

By the present Amendment, and after carefully and thoughtfully reviewing the Examiner's Action and comments, along with the disclosure material contained in each of the four, cited and applied prior art references, applicant offers important comments below pointing out why and how his invention is clearly patentably distinguishable over the cited and applied art - doing so in the context of proposing certain modest changes in several of the claims currently presented in this application. With respect to these claim changes in general terms, claims 1, 2, 5

and 13 have been currently amended (in manners which will be discussed shortly); claims 3, 4, 6, 7, 14 and 15 remain as original claims; and claims 8-12, inclusive, and 16 and 17, have been canceled without prejudice.

As applicant's specification, drawings and claims make clearly evident, applicants invention involves methodology and structure for single-event, non-manual-activity downloading to a client device, and in that client device configuring, *an imaging device driver along with relevant imaging device configuration information*, all of which "information" is embedded within a subject imaging device's included firmware, *per se*. This single-event downloading activity of *two, necessarily interrelated* components of information -- a device driver and the required configuration information -- takes place efficiently, and without involving any *manually-acting intermediary*, such as a user or an administrator, and importantly, occurs *directly from the relevant imaging device to the relevant client device*. In other words, the entire, single-event, downloading of the mentioned, and necessarily "connectable" (a) driver, and (b) configuration information takes place by way of *direct, automatic, systemic communication in an absolutely direct, and non-person-involved, fashion from the imaging device to the client device*.

Claim 1, while clearly in a form (before this present Amendment) written to focus on this important, single-event, "dual-information" activity of applicant's invention, has been currently amended to add emphasis both (1) to the fact that the downloaded driver *and* the downloaded relevant configuration information are embedded in the subject imaging device, and (2) to the accompanying, operative fact that downloading is *direct* from the imaging device to the client device.

Claim 2 has been currently amended further to emphasize the directness of the download delivery just referred to in its parent claim 1.

Claim 5 has been currently amended in a manner similar to that which is associated with currently amended claim 2.

Claim 13, a structure-focused claim, has been currently amended also to more clearly emphasize the *direct*, single-event downloading which occurs from an imaging device to a client device (without, as mentioned earlier herein, the action of any intermediary, such as a user or an administrator).

The cited and applied prior art references, four in the number, clearly neither disclose nor suggest anything like what is claimed in applicant's claims. Very specifically, no cited and applied reference, and no combination of these references, shows or suggests (in the words effectively of applicant's claims) a methodology and a structure for single-event, non-manual-activity downloading to a client device, and in that client device configuring, *an imaging device driver along with relevant imaging device configuration information*, all of which "information" is embedded within a subject imaging device's included firmware, *per se*.

Extracting, for proper focus, the Examiner's *core*, claim-rejection thinking from all of the various comments which the Examiner has made in his Action about the four cited and applied prior art references, applicant notes with significant interest two of the Examiner's important, and telling, linked comments which are made on Page 8 in the Action. These two serial comments plainly set the stage for understanding how amiss the cited and applied art is in relation to applicant's claimed invention. They are:

“Barrett, Chou and Chadez do not disclose expressly a *single-event* delivery download which takes place in response to that single-event request resulting in the common-time delivery of both a driver and appropriate device configuration information.” (Emphasis by the Examiner)

And:

“Ohta discloses a single-event delivery download which takes place in response to that single-event request resulting in the common-time delivery of both a driver and appropriate device configuration information.” (Emphasis also by the Examiner)

It is very important, and extremely disappointing, to note that, in the Examiner’s clearly recognized statements of deficiency involving the Barrett *et al.*, Chou *et al.* and Chadez *et al.* references, with respect to which, supposedly, according to the Examiner, Ohta (the new reference) fills the missing piece, nowhere does the Examiner, in any way, carefully and accurately reflect, as he should in accordance with his expected public task of thoughtful examination, that single-event driver and configuration information downloading and delivering are not, without saying more about from where that downloading and delivering comes -- as is clearly required by applicant’s claims -- a correct description of applicant’s invention. As the Examiner should certainly know and properly understand, applicant’s invention, as claimed, involves a special kind of single-event downloading and delivering together of a device driver and associated configuration information -- a downloading and delivering which take place directly from an imaging device to a client device.

Accordingly, the Examiner’s important linking of two statements, above quoted, made on Page 8 in the Action, on their collective “faces” do not even begin to approach/touch-upon a core and central feature of applicant’s invention which is that both of the mentioned kinds

of information which are single-event downloaded and delivered, are transferred in a direct mode from an imaging device to a client device, without (a) there being any manual delivering action whatsoever from an intermediary, such as a user or an administrator. On this point, it is very important to recognize that applicant's invention expressly avoids the time consumption, and of course the associated complexities, associated with user and/or administrator-management information-transfer activity. Absent this important "activity-avoidance" feature in the prior art, in association with a single-event download delivery, as described, directly from an imaging device to a client device of both an imaging device driver and associated configuration information, the art chosen by the Examiner to reject applicants claims simply doesn't work.

No matter what are the defects, and there are many, in the proposed combination of Barrett *et al.*, Chou *et al.* and Chadez *et al.*, and even allowing that proposed combination without challenge for the sake of argument, the house of cards rejection Action collapses with the erroneously proposed, failure-certain, further combining of Ohta. Put more specifically, asserting that Ohta "...discloses a single-event delivery download which takes place in response to that single-event request resulting in the common-time delivery of both a driver and appropriate device configuration information..." does not solve the rejection-failure problem that Ohta does not effect any kind of a delivery to a client device directly from an imaging device, and cannot be presented as doing so!

Let us take a close look at Ohta both through the expert eyes of applicant, and through the text language of Ohta, *per se*. As a precursor statement about this, it is important to recognize that applicant not only is the inventor of the invention set forth and claimed in the

present patent application, he is also a seasoned expert in the several different technology areas associated with the several references which the Examiner has assembled in the present Action, including, of course, the technology area of Ohta. He understands unequivocally well how the structures and methodologies of these references function.

With regard this newly cited reference, Ohta, applicant can, and does, state categorically that Ohta in fact describes and features a situation and a practice where the complexities and time-consuming difficulties associated with driver and configuration information downloading, etc., have simply been shifted from the hands of a user to the hands of an administrator. They have not been resolved. In the practice of Ohta, an administrator prepares a system with the relevant driver and configuration information which, *by him or her*, is placed in a *server which functions later to deliver a relevant download* -- a download which thus definitively does not occur in any way directly from an imaging device to a client device. Rather, delivery of information relevant to a device driver and to associated configuration information takes place, under all circumstances, *from a system server which has been prepared manually for this activity by an administrator.* Never is such delivery one which flows directly from an imaging device, as is the central case in applicant's claimed invention.

Language clearly present in the text of the Ohta reference unmistakably describes the fact that this reference simply shifts the complex manual burden avoided by applicant's invention from the user to an administrator, without recognizing the possibility, or suggesting the unique steps and procedures necessary to avoid such a shift, and indeed to implement a direct, non-manual practice involving direct downloading from a subject imaging device which possesses,

in an embedded form, all relevant information in the categories addressed by applicant's invention.

For example, right at the beginning of the Ohta reference, and very specifically in the Abstract of the Disclosure, one finds a key distinguishing statement here, that "...disclosed..." [in the Ohta patent is] "...an information processing apparatus which communicates with a client device to which a peripheral device is connected including: a management program for managing installation configuration information generated when driver information for control of the peripheral device is installed in a system..." [by an administrator]..." (Emphasis has been added to this statement, and bracketed language inserted, to point out that the mentioned system installation of driver and configuration information for control of an imaging device is performed by an administrator).

This important and distinguishing setting for the technology which is disclosed in the Ohta reference is based upon the recognition that "...common users have difficulty in the installing process...[of such information]." (Bracketed Language Added). (Ohta, Column 1, Lines 34-35). "Therefore, a number of users of a client device have earnestly requested to use the installation configuration information about the driver containing the information input...[by an administrator]... in a specific server device when the driver is installed." (Emphasis and Bracketed Language Added). (Ohta, Column 1, Lines 41-45). In Ohta, this *earnest request* has been responded to specifically in order "...to prevent the user from performing a complicated operation when a driver is set up for the client device." (Ohta, Column 2, Lines 1-3). Accordingly, the Ohta system and methodology are "...disclosed as including a management program for managing...[by a server]...the installation configuration information generated when

the driver information for controlling the peripheral device is installed in the system...[by an administrator]...” (Bracketed Language Added). (Ohta, Column 2, Lines 22-25). Because of this approach, “...according to the present invention...[Ohta]..., when a driver is set up...[by an administrator]...in a client device, complicated user operations can be successfully reduced.” (Bracketed Language Added). (Ohta, Column 14, Lines 65-67).

Clearly, the Ohta reference is on its face unable, either by way of its direct disclosure content, or by way of any rational suggestion to those skilled in the art, to supply anything which, with the three, other, cited and applied prior art references, comes close to disclosing or suggesting the invention set forth in applicant’s claims. As is made extraordinarily clear from the very language contained in and throughout the Ohta disclosure, that reference specifically involves engaging, and in fact featuring, one of the complicated and time-consuming manual operations which are completely avoided, and consciously so, by applicant’s invention.

No matter the complete failure of the cited and applied Ohta reference to aid in any way in supportingly aiding the Examiner’s rejections of applicant’s claims, the significant, individual deficiencies of the three, additional cited and applied references, as suggested briefly above, make untenable the Examiner’s claim rejections.

For example, “Barrett and Chou do not disclose expressly wherein relevant configuration information is embedded within the imaging device’s included firmware per se.” (Examiner’s Action, Page 7)

And, as was pointed out earlier in this text, “Barrett, Chou and Chadez do not disclose expressly a *single-event* delivery download which takes place in response to that single-

event request resulting in the common-time delivery of both a driver and appropriate device configuration information.” (Examiners Action, Page 8)

Among the deficiencies of Chadez, highlighted by a reading of the very text in this reference to which the Examiner points with focus, namely, to the text appearing in Column 2, Lines 45-51, with respect to which the Examiner asserts that an imaging device controller sends configuration information to a client device (Examiner’s Action, page 16), a thoughtful reading of this text tells one definitively that the Examiner’s characterization of this text, as just expressed, is powerfully incorrect. So that there can be no mistaking applicant’s position about this assertion of “incorrectness”, the text pointed to by the Examiner reads as follows: “*The controller 26 controls operation of the printing mechanism 34 and the print engine 36. The controller’s CPU 28 is preferably implemented as an Application Specific Integrated Circuit (ASIC) that is designed to support serial and parallel I/O. functionality with the host, compress and decompress the raster data, communicate with the print engine, and send host data to the engine.*” (Emphasis Added)

One simply has to wonder, with a certain air of bewilderment, how it is, with regard to the stated action of sending “host data to the [print] engine” that the Examiner can say about this:

“Ohta discloses a single-event delivery download which takes place in response to that single-event request resulting in the common-time delivery of both a driver and appropriate device configuration information.” (Page 8, Examiner’s Action, Emphasis by the Examiner).

It should be clear that applicant’s invention as now claimed in the context of entry

of the present Amendment is patentable over the cited and applied references. The reasons are plainly presented above. Accordingly, favorable reconsideration of this application, and allowance of all of its claims, are respectfully solicited. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

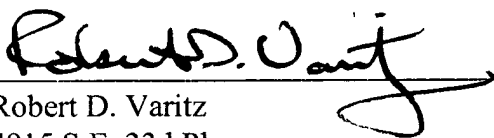
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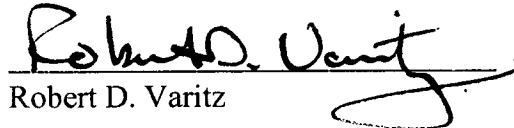
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I hereby certify that the attached Response to Office Action under 37 C.F.R. § 1.111 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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